UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,925	06/24/2003	Basil Treppa	059864.00842	4336

32294   7590   07/24/2008
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER
HIGA, BRENDAN Y

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
07/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 June 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9,11-20,22-25 and 27-34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9, 11-20, 22-25, 27-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114.

Claims 1-9, 11-20, 22-25, 27-34 remain pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 11-20, 22-25, 27-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bruck et al. (US 6691165) ("Bruck"), in further view of Syvanne

(US 2002/0157018) ("Syvanne"), in further view of McLaughlin et al. (US

2002/0165929) ("McLauhglin").

As per claim 1, Bruck teaches a system comprising: a network interface

configured to communicate with nodes in a cluster (Fig. 6, ref. 614); a memory

configured to store information relating to cluster management (see col. 3, lines 45-55);

a configuration subsystem coupled to a remote management broker (read as the single-

point, see above, col. 3, lines 64-67), wherein the remote management broker is

configured to distribute information between the nodes in the cluster (see col. 3, lines

45-55, 64-67 and col. 28, lines 2-16); a processor configured to perform actions,

including: access the cluster from a single-point (single-point, see col. 3, lines 64-67);

obtain information relating to at least two devices within the cluster (see Fig. 12 and col.

21, lines 55-60, wherein remote management console monitors multiple server

computers from a single interface); present the information to a user (see col. 3, lines

64-67); and determine network management (NM) operations to perform to the cluster

(col. 21, line 66-col. 22, lines 13); perform the determined NM operations (col. 21, line

66-col. 22, lines 13);

Bruck does not expressly teach determining if the NM operations on the cluster,

including said at least two devices, were applied correctly, and if not, rolling back to a

successful configuration.

However, in the same art of network management and configuring, Syvanne

teaches, a management system for configuring network devices (see Fig. 1), wherein,

after configuration changes are made to the network device, the network management

system then determines if it is able to set up a new connection with network device.

However, if the managed network device is not able to set up a new connection with the

network management system, then the network device automatically reverts to a old

configuration in order to restore connectivity (see ¶ 0012).

One of skill in the art would have been motivated to combine the teachings of Bruck with the teachings of Syvanne, for determining if the NM operations on at least two devices, were applied correctly, and if not, rolling back to a successful configuration, in order to allow Bruck's system to recover from an error state.

<u>Furthermore, Bruck does not expressly teach applying a configuration lock that is intended to prevent other applications from performing network management operations on the at least two devices within a cluster.</u>

However, in the same art of server cluster management, McLaughlin teaches a system for performing network maintenance on a plurality of network resources within a cluster (see Fig. 1 and abstract). The system further allows for the locking of the network resources by a client while the network maintenance operations are being performed (see ¶0136-¶0144).

One of ordinary skill in the art would have been motivated to apply the teachings of Bruck with the teachings of McLaughlin for applying a configuration lock on the at least two devices in the cluster. The motivation for doing so would have been to prevent other applications from interfering with the network management operations at the two network devices (see McLaughlin, ¶0136-¶0144).

As per claim 2, Bruck further teaches the processor is configured to provide a command line interface configured to access the cluster (see col. 4, lines 1-4)

As per claim 3, Bruck further teaches the processor is configured to provide a graphical user interface that is configured to access the cluster (see col. 4, lines 1-4).

As per claim 4, Bruck further teaches an aggregator configured to aggregate data relating to the devices within the cluster (see "token message" or "911 message", having a membership field, col. 3, lines 45-55, read as collecting management information from cluster servers).

As per claim 5, Bruck further teaches a secure transport configured to transport messages (see Secure Socket Layer, col. 27, lines 55-59); a remote management brocker server (see, Fig. 7, ref. 1703 and single-point, col. 3, lines 64-67) coupled to the secure transport (col. 27, lines 55-59); and a Remote Management Brick client coupled (see controller, i.e. internet browser application, Fig. 17, ref. 1702) to the secure transport (col. 27, lines 55-59).

As per claim 6, Bruck further teaches wherein the Remote Management Broker is further configured to collect attributes from the Configuration Subsystem (see col. 3, lines 45-55, read as collecting management information from cluster servers).

As per claim 7, Bruck further teaches wherein the messages include a header that is configured to authenticate the messages ("state sharing information messages", see col. 10, lines 9-18, including a "membership field", col. 10, lines 53-64).

As per claim 8, Bruck further teaches wherein a magic field that identifies one or more of the messages as a remote management broker message (see "Signal Type", col. 10, lines 19-38, which identifies the type of message read as a "magic field").

Furthermore, although Bruck teaches using the SSL protocol in the system (see Secure Socket Layer, col. 27, lines 55-59), as best understood, it is not necessarily the case that SSL protocol is being used to distribute the "state sharing information messages" (see col. 10, lines 9-18, read as "the messages") throughout the cluster network. Thus, it is not necessarily the case that the state sharing information message header includes a message authentication code. However, the examiner takes official notice of this limitation. The SSL protocol was well known in the art at the time of the invention, (see Hickman, Kipp. "The SSL protocol", November 29, 1994), which includes a Message Authentication Code, "MAC-DATA", that acts as a shared secret (see Hickman, Kipp, "The SSL protocol" §1.2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to distribute the "state sharing information messages" using the SSL protocol, in order to provide a secure method of distributing messages within the server cluster.

As per claim 10, Bruck further teaches applying a configuration lock that is intended to prevent other applications from performing network management operations on the device within the cluster (see "cluster password", col. 23, lines 1-19).

As per claim 16 the combination of Bruck, Syvanne, and McLauhglin teaches the invention substantially as claimed as noted above. Furthermore, McLaughlin teaches applying a configuration lock that is intended to prevent other applications from performing network management operations on the devices within the cluster (see abstract and ¶0137-0144) during a predetermined time (see ¶0199 wherein the lock client process 18 sets a timer for the length of the "retain interval", wherein the length of the retain interval is read as a predetermined time); and releasing the configuration lock after the network management operations are performed (see ¶0199 "lock release").

The same motivation that was utilized for combining Bruck and McLauhglin in claim 1 applies equally well to claim 16.

As per claim 34, Bruck further teaches an aggregator configured to aggregate data relating to the devices within the cluster (see Fig. 12, wherein the data relating the devices is 'aggregated' on a single user interface).

Claims 9, 11-15, 17-20, 22-25 and 27-33 are rejected under the same rationale as claims 1-8, 10 and 16 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Response to Arguments

Applicant's arguments with respect to claims 1-9, 11-20, 22-25, 27-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-

5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

BYH
/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153